

**BASRAH COURTHOUSE CONSTRUCTION AND
BASRAH COURTHOUSE WITNESS
PROTECTION FACILITY
BASRAH, IRAQ**

SUSTAINMENT ASSESSMENT

SIGIR PA-08-159

SIGIR PA-09-169

APRIL 22, 2009



SIGIR

Special Inspector General for IRAQ Reconstruction

April 22, 2009

Basrah Courthouse Construction and Basrah Courthouse Witness Protection Facility

Summary of Report: PA-08-159
PA-09-169

Why SIGIR Did This Study

SIGIR is charged to conduct assessments of Iraq reconstruction projects funded with amounts appropriated or made available for the reconstruction of Iraq. SIGIR is assessing projects funded under the Iraq Relief and Reconstruction Fund to provide real-time information on Iraq relief and reconstruction to interested parties to enable appropriate action, when warranted.

The objective of this sustainment assessment was to determine whether the project is operating at the capacity stated in the original contract.

The overall objective of this \$11 million project was to design and construct a regional courthouse and witness protection building, and to perform incidentally related work.

What SIGIR Recommends

SIGIR recommends that the Commanding General, Gulf Region Division, take these actions:

1. Determine the extent of damage to the walls caused by poorly constructed expansion joints and take corrective action as appropriate.
2. Place all exposed electrical wiring into conduit.
3. Determine the appropriate manner in which to provide two water supply hookups to the washers and exhaust vents for the two dryers.

GRD concurred with all three SIGIR recommendations. SIGIR concurs with the action plan outlined by GRD to resolve the issues of poorly constructed expansion joints, exposed electrical wiring, and the laundry room without the required number of water supply hookups for the washers and exhaust vents for the dryers.

What SIGIR Found

On 6 January 2009, SIGIR performed an on-site assessment of the Basrah Courthouse and Witness Protection Facility. Due to security concerns, time on site was restricted to 90 minutes; therefore, SIGIR performed an expedited assessment.

On 25 September 2008, Gulf Region South inspected and accepted both facilities from the contractor. The inspection resulted in an eight-page punch list; each previously identified deficiency was marked as "done." However, a final inspection report was not written, and no photographs were taken to document the condition of the project when accepted from the contractor.

SIGIR determined that the government-furnished design for the spiral staircase contained an error: the overhead clearance between the steps and the ceiling was not sufficient. Based on SIGIR's review of the architectural drawings, it appears that the designs did not take into account the loss in headroom caused by the false ceiling installation. This problem was most likely caused by a combination of designer oversight and small changes in construction. SIGIR determined that this error is a significant hazard to people using the stairs and should be addressed.

SIGIR identified minor construction deficiencies, such as electrical wiring not in conduit and poorly constructed expansion joints in the courthouse building and the hallway connecting to the witness protection facility. The exterior plaster finish of the expansion joints displayed cracking and crumbling. Also, there was only one cold water line leading into the laundry facility, but two were required. SIGIR noticed that there was no vent system for the dryers to remove the hot air from the room. Without a dryer-vent system, this room will become extremely hot, especially during the summer months.

Aside from these minor construction issues, SIGIR concluded that the construction of the Basrah Courthouse and Witness Protection Facility was adequate.

Although not part of the assessment, SIGIR inspected the furniture purchased by the Government of Iraq and found it to be of high quality. This furniture will provide the courthouse judges, judicial and administration staffs, witnesses, and prisoners with comfortable working and living accommodations.



For more information, contact SIGIR Public Affairs at (703) 428-1100 or PublicAffairs@sigir.mil



SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

April 22, 2009

MEMORANDUM FOR COMMANDING GENERAL, UNITED STATES CENTRAL
COMMAND
COMMANDING GENERAL, MULTI-NATIONAL FORCE-
IRAQ
COMMANDING GENERAL, GULF REGION DIVISION,
U.S. ARMY CORPS OF ENGINEERS
COMMANDING GENERAL, JOINT CONTRACTING
COMMAND-IRAQ/AFGHANISTAN
DIRECTOR, IRAQ TRANSITION ASSISTANCE OFFICE

SUBJECT: Report on Construction of the Basrah Courthouse and Basrah Courthouse
Witness Protection Facility, Basrah, Iraq (SIGIR Report Numbers
PA-08-159 and PA-09-169)

We are providing this report for your information and use. It addresses the current status of the construction of the Basrah Courthouse and Basrah Courthouse Witness Protection Facility, Basrah, Iraq. The assessment was made to determine whether the project was operating at the capacity stated in the original contract.

We received comments on a draft of this report from the U.S. Army Corps of Engineers, Gulf Region Division, which addressed the issues raised in the report and recommendations made. The planned actions are responsive and address the issues identified. As a result, comments to this final report are not required.

We appreciate the courtesies extended to our staff. If you have any questions please contact Mr. Brian Flynn via e-mail at brian.flynn@iraq.centcom.mil or at DSN 318-239-2485. For public affairs queries concerning this report, please contact SIGIR Public Affairs at publicaffairs@sigir.mil or at 703-428-1100.

Stuart W. Bowen, Jr.
Inspector General

Special Inspector General for Iraq Reconstruction

SIGIR PA-08-159

April 22, 2009

SIGIR PA-09-169

Basrah Courthouse Construction and Basrah Courthouse Witness Protection Facility Basrah, Iraq

Synopsis

Introduction. The Special Inspector General for Iraq Reconstruction (SIGIR) is assessing projects funded under the Iraq Relief and Reconstruction Fund to provide real-time information on relief and reconstruction to interested parties to enable appropriate action, when warranted.

Project Assessment Objective. The objective of this project assessment was to determine whether the project is operating at the capacity stated in the original contract. To accomplish the objective, the assessment team determined whether the project was at full capability or capacity when accepted by the U.S. government, when transferred to Iraqi operators, and during the site inspection on 6 January 2009. SIGIR conducted this limited scope assessment in accordance with the Quality Standards for Inspections issued by the Council of the Inspectors General on Integrity and Efficiency. The assessment team comprised two engineer/inspectors and two auditors/inspectors.

Project Objective. In an effort to support security, unity, and prosperity in Iraq, the overall objective of the project was to design and construct a regional courthouse and witness protection building, and to perform incidentally related work. This project will provide the Iraqi people with a complete courthouse and witness protection facility to assist in the judicial process. Regional courthouses will handle serious crimes. The Basrah regional courthouse will be one of five throughout Iraq— one other will be in Babil, two in Baghdad, and one in Mosul.

The purpose of the \$11 million project was to provide the Iraqi Ministry of Justice with a two-story courthouse building and single-story witness protection facility. The courthouse would provide approximately 10,200 square meters and the witness protection facility would provide 1,200 square meters of office and living space, respectively.

Conclusions. On 25 September 2008 the Gulf Region South (GRS),¹ Basrah Resident Office, inspected and accepted the Basrah Courthouse and Witness Protection Facility project from the contractor. The inspection resulted in an eight-page punch list; each previously identified deficiency was marked as “done.” However, the GRS Basrah Resident Office did not write a final inspection report or take any photographs to document the condition of the project when accepted from the contractor. According to project file documentation, GRS closeout documentation concluded the following:

¹ GRS is one of three districts under the United States Army Corps of Engineers (USACE) Gulf Region Division (GRD). GRD and its three districts provide construction management services and assist the capacity of the Government of Iraq to maintain its own construction, operation, and maintenance program of essential services and national infrastructure.

“All work required by this contract has been accomplished in a satisfactory manner and is accepted without any noted deficiencies...The Contractor...has completed all assigned work. All parties acknowledge that the work performed under the contractor meets the standards set forth in the contract scope of work.”

The GRS Basrah Resident Office construction representative signed this document, certifying that all work was completed and met the standards of the contract’s Statement of Work.

On 25 September 2008, the GRS Basrah Resident Office officially turned over the courthouse project to the Iraqi Ministry of Justice. The contractor, a representative from the GRS Basrah Resident Office, and Chief Judge of the Iraqi Higher Justice Council signed a Memorandum for Record that stated the following:

“This document certifies that all work has been inspected, and is accepted as being in accordance with the contract requirements. Construction at this facility is complete and no other work is to be performed as part of this contract unless noted below.”

On 6 January 2009, SIGIR conducted an on-site assessment of the project. When SIGIR visited, the courthouse was not occupied and was not hearing cases. The U.S. government was responsible for the construction of the courthouse and witness protection facility; however, the Government of Iraq (GOI) was responsible for providing the furniture and equipment needed to operate the facility, such as desks, chairs, and judges’ benches. According to GRS representatives, the GOI was slow to purchase and deliver the furniture and equipment.

Before the site visit, SIGIR reviewed the design submittals for this project. The U.S. government provided the contractor with a preliminary design (65%) modeled after the Al Karkh Courthouse Facility in Baghdad. The Statement of Work required the contractor to incorporate the necessary site-specific changes to the government-furnished drawings (GFD) and edit the drawings for the final design review submittal (95%) and the cleared-for-construction-design review submittal (100%). SIGIR requested these submittals, but GRS could not produce them. SIGIR does not know whether the contractor provided the submittals or whether GRS reviewed them prior to construction.

In addition, SIGIR determined that the GFD for the spiral staircase contained an error. The overhead clearance between the steps and the ceiling is not sufficient. Based on SIGIR’s review of the architectural drawings, the GFDs apparently did not take into account the loss in headroom that resulted from the installation of the false ceiling. This problem was most likely caused by a combination of designer oversight and small changes in construction. SIGIR determined that this error is a hazard to people using the stairs and should be addressed.²

During the site visit, SIGIR confirmed that the furniture and equipment furnished by the GOI had recently arrived on site and was being installed throughout the courthouse and witness protection facility.

² Originally, SIGIR intended to make a recommendation to correct this design error for all future courthouse projects; however, during the exit conference with GRD for this project, GRD representatives stated that all courthouse facilities have either already been constructed or were too far along in construction to make such a change in design. GRD representatives stated that they will investigate the possibility of posting warning signs on the staircase regarding this issue.

Due to security concerns at the site, SIGIR performed only an expedited 90-minute assessment. SIGIR could not inspect each room in the courthouse and witness protection facility; instead, SIGIR inspected a representative sample of at least one of each type of room, including:

- large court rooms
- small court rooms
- judge's offices
- holding cells
- hallways
- stairways
- bathrooms
- the café
- the garden
- balconies
- single hotel-style rooms
- the laundry room

SIGIR's site visit identified minor construction deficiencies, such as electrical wiring not in conduit and poorly constructed expansion joints in the courthouse building and hallway connecting to the witness protection facility. The exterior plaster finish of the expansion joints displayed cracking and crumbling.

In the laundry room, the intent was to have two washers and two dryers side by side along one wall. At the time of the site visit, no washers or dryers had been delivered or installed; therefore, SIGIR could not validate the water-supply or electrical outlet connections. However, SIGIR identified only one cold water line leading into the laundry facility. Since two washers were designed to be in this room, two water lines are needed — with one line leading directly into each washing machine. In addition, the constructed water line is not on the correct wall; consequently, an extension line will have to be run to one of the washers. Further, SIGIR identified errors with the as-built drawings. For example, the as-built drawing shows the water line directly connected to one of the two dryers. Also, the sewer system as-built drawing shows a grating drain system for the washers; nevertheless, SIGIR noticed what appeared to be four individual drains for the washers and one main drain for the room. Finally, SIGIR noticed that there was no vent system for the dryers to remove the hot air from the room. Without a dryer-vent system, this room will become extremely hot and humid, especially during the summer months. A split-unit air conditioner was provided under this contract; however, due to the lack of a dryer-vent system, this air conditioner will have to operate continuously.

Aside from these minor construction issues, SIGIR concluded that the construction of the courthouse and witness protection facility was adequate. At the time of the site visit, the GOI was installing furniture throughout the facility. The process of installing the furniture contributed to some cleanliness issues, but most of the buildings were clean and sanitary. SIGIR determined that this project was constructed adequately for the GOI to sustain the buildings for their intended use.

The recent drastic decline in worldwide crude oil prices has significantly affected the GOI's budget for operating and maintaining project sites constructed and transferred by the U.S. government. During the site visit, SIGIR learned the plan the GOI will employ to sustain this facility. The courthouse facility design specifically called for the construction of outside kiosks, which according to GRS personnel, the MOJ will use as offices for clerks providing (for a fee) photocopies of official court transcripts and

documents and will also rent as small shops or concession stands to supply food and drinks to court participants, visitors, and staff. The income generated will be used to fund routine maintenance for the courthouse and annex buildings.

Recommendations. SIGIR recommends that the Gulf Region Division of the U.S. Army Corps of Engineers take these actions:

1. Determine the extent of damage to the walls caused by poorly constructed expansion joints and take corrective actions as appropriate.
2. Place all exposed electrical wiring into conduit.
3. Determine the appropriate manner in which to provide two water-supply hookups to the washers and exhaust vents for the two dryers.

Management Comments. SIGIR received comments on the draft of this report from the Commanding General, GRD, concurring with all three recommendations. Specifically, the GRS Basrah Area Office will do the following:

- Identify all poorly constructed expansion joints and damage to the walls and devise a solution with the contractor.
- Direct the contractor to enclose all exposed wiring inside an appropriate conduit.
- Determine the needs of the Ministry of Justice in terms of laundry facilities and act accordingly to ensure the realization of those functions and features.

Evaluation of Management Comments. SIGIR concurs with the action plan outlined by GRD to resolve the issues of poorly constructed expansion joints, exposed electrical wiring, and laundry room without the required number of water-supply hookups for the washers and exhaust vents for the dryers.

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Introduction

Background

Iraqi Justice System prior to Operation Iraqi Freedom

According to the Library of Congress' Federal Research Service, the regular criminal justice system consisted of courts of first instance (including magistrate courts), courts of sessions, and a court of cassation. Major crimes against state security were tried in the revolutionary courts and operated separately from the regular judicial system. In general, this court system followed the French pattern as first introduced during the rule of the Ottoman Turks, although the system had undergone several modifications during the twentieth century. Juries were not used anywhere in the Iraqi criminal court system.

Most petty crimes, or contraventions, which carried penalties of imprisonment from one day to three months or of fines up to 30 Iraqi Dinars, were tried in local magistrate courts. These third-class courts were found in all local municipalities and presided over by municipal council members or by other local administrative officials. First and second class criminal matters, which corresponded to felonies and misdemeanors, respectively, were tried within appropriate penal courts attached to civil courts of first instance, located in provincial capitals and in district and sub-district centers. Misdemeanors were punishable by three months' to five years' imprisonment; felonies by five years' to life imprisonment or by the death penalty. One judge conducted the trials for criminal matters at each of these courts of original jurisdiction.

In 1986, the six courts of session continued to hold jurisdiction in the most serious criminal matters, and acted as courts of appeal in relation to lower penal or magistrate courts. Four of these courts were identical to the civil courts of appeal; two were presided over by local judges from the courts of first instance. Three judges heard cases tried in the courts of session.

The Court of Cassation was the state's highest court for criminal matters. At least three judges were required to be present for deliberations, and in cases punishable by death, five judges were required. The Court of Cassation also served as the highest court of appeals, and it confirmed, reduced, remitted, or suspended sentences from lower courts. It assumed original jurisdiction over crimes committed by judges or by high ranking government officials.

The revolutionary courts, composed of three judges, sat permanently in Baghdad to try crimes against the security of the state; these crimes were defined to include espionage, treason, smuggling, and trading in narcotics. Sessions were held in chambers, and the right of defense reportedly was severely restricted. Also, regular judicial procedures did not apply in these special courts and summary proceedings were common.

According to the Iraqi Judiciary Commission, judicial independence is critical to a stable social structure. The rule of law is a prerequisite for political stability, economic development, and public confidence in public institutions. Iraq's judicial system has made significant progress since the fall of the prior regime. Specifically, since 2003, the number of judges in Iraq has increased from 500 to 1,500. However, the increase of judges resulted in overcrowding of existing courthouses in the southern Iraq area. The city of Basrah in particular was in dire need of additional courtroom space for judges to oversee trials of suspects accused of serious crimes against the state. This project will provide not only the first newly constructed courthouse in the Basrah area since 1980, it

will provide an unprecedented level of security for the judges, courthouse personnel, witnesses, prisoners, and visitors.

Objective of the Project Assessment

The objective of this project assessment was to provide real-time relief and reconstruction project information to interested parties to enable appropriate action to be taken, when warranted. Specifically, the Special Inspector General for Iraq Reconstruction (SIGIR) determined whether the project was operating at the capacity stated in the original contract. To accomplish this, SIGIR determined if the project was at full capability or capacity when accepted by the U.S. government, when it was transferred to Iraqi operators, and during the site inspection.

Pre-Site Assessment Background

Contract, Costs and Payments

The U.S. Army Corps of Engineers, Gulf Region South (GRS)³, on 6 June 2006, awarded Contract W917BK-06-C-0037, a firm-fixed-price-contract in the amount of \$10,000,001, to a local contractor. The contract required the contractor to complete the entire project within 547 days after receipt of the notice to proceed, which was issued on 9 June 2006.

There were seven modifications⁴ to the initial contract.

- Modification P0001, undated, extended contract time for the courthouse and annex by 60 calendar days providing for a revised contract completion date of 15 April 2008.
- Modification P0002, issued 28 August 2006, made changes to the general scope of work to be performed. In consideration of performance, the contractor agreed to a lump sum amount of \$307,890 for changes resulting from this modification.
- Modification P0003, issued 15 September 2007, required the contractor to provide five guard towers at locations approved by the Ministry of Justice (MOJ). Funds in the amount of \$138,967.14 were obligated for this action.
- Modification P0006, issued 14 August 2008, provided additional work for the contractor to perform. A courthouse entry road and primary power were added to the original contract requirements. The contract was increased by \$460,320, from \$10,446,357.14 to \$10,906,677.14. The period of performance was increased by 105 calendar days from 14 June 2008 to 27 September 2008.
- Modification P0007, issued 14 September 2008, allowed for the repair of damages to the facilities due to insurgent activities. The total cost of this modification increased the contract by \$69,500, from \$10,906,677.14 to \$10,976,177.14. The period of performance was extended by 15 calendar days, from 27 September 2008 to 12 October 2008.

³ GRS is one of three districts under the United States Army Corps of Engineers Gulf Region Division (GRD). GRD and its three districts provide construction management services, as well as, assist the capacity of the Government of Iraq to maintain its own construction, operation, and maintenance program of essential services, and national infrastructure.

⁴ GRS Basrah Resident Office representatives could not locate contract modifications P0004 and P0005.

Project Objective and Pre-Construction Description

In an effort to support security, unity, and prosperity in Iraq, the overall objective of the project was to design and construct a regional courthouse, a witness protection building, and incidentally related work. This project will provide the Iraqi people with a complete courthouse and witness protection facility to assist in the judicial process. This regional courthouse will handle more serious crimes, whereas the House of Justice in Basrah City Center contains the real estate deeds office and a location to file law suits among other functions. This regional courthouse will be one of five throughout Iraq, with one in Babil, two in Baghdad, and one in Mosul.

The description of the facility (preconstruction) was based on information obtained from the GRS Basrah Resident Office project file. The property selected for the new Basrah Courthouse is a former Iraqi Navy site with at least six existing single-story buildings in various stages of decay; consequently, the contractor had to demolish the buildings prior to any new construction activities. The construction site was located in the west corner of a large diamond open space. The area was virtually surrounded by water with canals and several water features bordering it on all four sides, with the largest water feature located in the eastern corner. The site is over 1 kilometer on all four sides and has two arterial roads running along its southwest and southeast edges.

The site is flat with domestic dwellings bordering it on its northwest, northeast, and southeasterly sides. The main feature to the site is the prominent water tower, which is set back approximately 150 meters (m) and is visible from approximately 1 kilometer away (Figure 1).

The project site is situated in an area of open ground in northwest Basrah city, located in the district of Hay Al Mudhara and is surrounded on three sides by urban areas (Al Hadi to the northwest, Nouab Doubart to the northeast, and Durr Al Nafft to the southeast). These are predominantly high density neighborhoods, comprised of one and two story-buildings and feature closely packed residential streets. The neighborhoods are low income with meager sanitation and utilities. The area is littered with trash and there is no evidence of public utilities. The predominant tribal/ethnic background is Shia.

To the south is the Durr Al Nafft neighborhood, which is owned by the Southern Oil Company. It is made up of residential properties and includes a conference center and indoor stadium. To the west is an area of open ground.

At the time the contract was awarded, there were a large number of squatters on the project site who had constructed poor quality temporary and permanent homes. The homes are one or two room dwellings with multiple inhabitants residing in each home. According to GRS documentation, there were at least 300-400 squatters on the project site prior to construction. The exact origin of the inhabitants is unknown and the inhabitants have taken advantage of any open area within Basrah and constructed their homes without any valid authority. The squatters posed a very real threat to the project, since removing the squatters was politically sensitive and could result in crowds hostile towards the contractor.

The Iraqi Higher Judicial Council provided the project site.



Figure 1. Location of the courthouse project prior to construction
(Aerial and photos courtesy of GRS)

Statement of Work

The Statement of Work (SOW) for this project consisted of the assessment, design, and construction of a court facility located in the city of Basrah. Specifically, the facility was to consist of the following:

- courthouse
- witness protection facility
- bathrooms
- café
- parking lot
- electricity room
- generator platform
- maintenance room
- water tank room
- clerk kiosk and benches
- administrative checkpoint
- public checkpoint
- vehicle checkpoint
- garden

The courthouse consists of four large courtrooms and three small courtrooms. The courthouse building measures 10,200 square meters (m²) (5,100m² per floor) and the witness protection building measures 1,200m² of usable floor space.

Statement of Requirements

The contract required the contractor to perform an assessment of the existing site conditions and identify any problem or deviation from the concept drawings. The purpose was to identify potential design or construction problems and document deviations from provided concept drawings to minimize delays, rework, and changes during the design and construction periods.

The design phase for this project was limited to the requirements of site adaptation of the facility only. Site adaptation included, but was not limited to, layout configuration, internal roads and car park alignments and foundation assessment and redesign as applicable.

With regards to the construction phase, the contract required the contractor, in addition to completing the facilities mentioned earlier (such as the courthouse, witness protection facility, and various checkpoints), to install the following:

- sanitary systems
- heating, ventilation, and air conditioning (HVAC) systems
- electrical systems
- communications and closed-circuit television (CCTV) systems

Modifications to the original contract included a Bill of Quantities, which required the contractor to provide additional exterior and interior security upgrades, such as delta barriers, metal detectors, and x-ray machines.

Current Project Design and Specifications

The preliminary design (65%) for this project was provided to the contractor via government furnished drawings (GFD). This project was modeled after the Al Karkh Court Facility in Baghdad. The SOW required the contractor incorporate the necessary site specific changes to the GFD and edit the drawings for the final design review submittal (95%) and the cleared-for-construction-design-review submittal (100%).

The GFD included HVAC, architectural, electrical, and plumbing drawings for the courthouse and witness protection facility; and drawings identifying the location of the CCTV cameras. Included in the architectural drawings was the overall site plan (Figure 2).

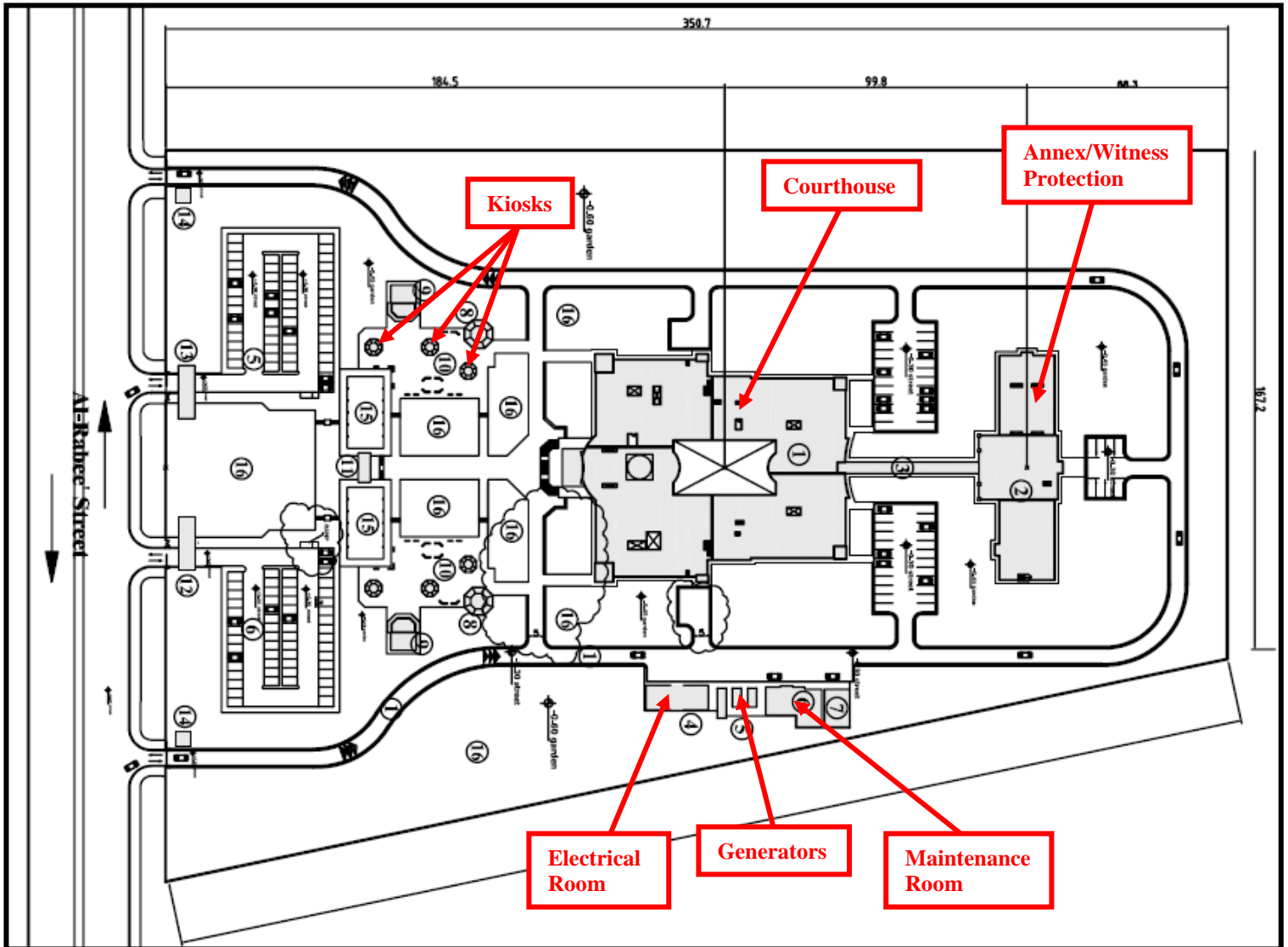


Figure 2. Government furnished drawing site plan for the courthouse and witness protection facility (Courtesy of GRS)

The GFD called for a two-story courthouse facility with a dome (Figure 3) and a single-story annex facility. The GFD also included various ancillary buildings, such as electrical and maintenance buildings, check points, and kiosks. The intent was to provide the judges and witnesses with secure working spaces and present a warm atmosphere for those visiting the courthouse.

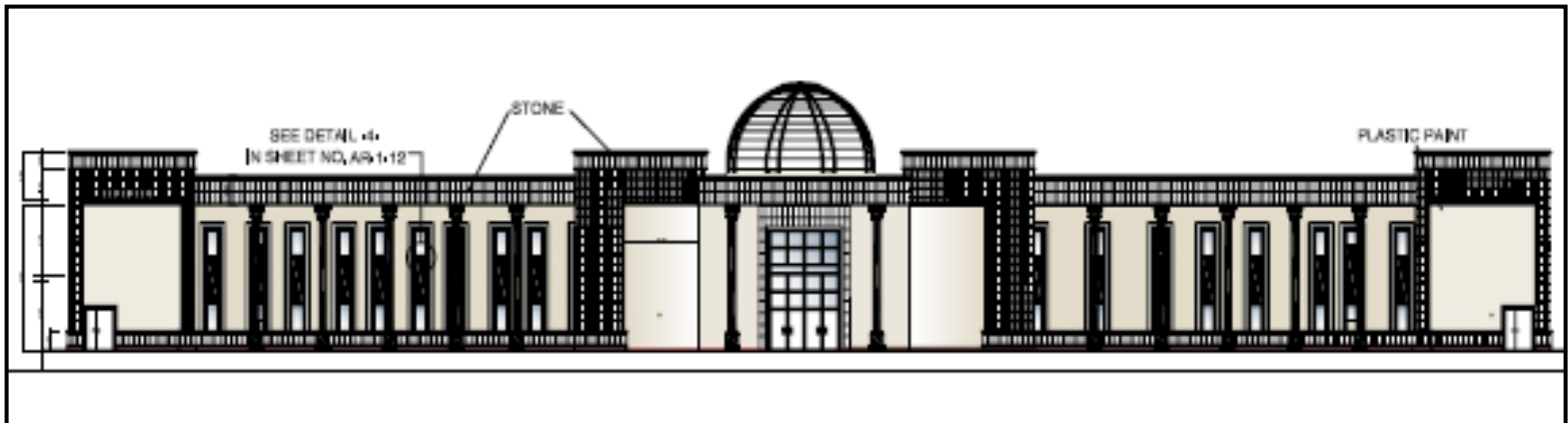


Figure 3. Government furnished drawing proposed frontal view of the courthouse building (Courtesy of GRS)

Lack of 95% and 100% design drawings

The SOW required the contractor to provide the 95% (final design review submittal) or the 100% (cleared-for-construction-design-review submittal) to GRS for its review and approval; however, GRS could not produce either submittal. It is unknown if the contractor provided the submittals or if GRS reviewed them prior to construction.

Design error in Government Furnished Drawings

SIGIR determined that the GFD for the spiral staircase contained an error. The overhead clearance between the steps and the ceiling is not sufficient. From the architectural drawings it appears that the GFD did not take into account the loss in headroom due to the false ceiling installation (Figure 4).

According to the GFD for the spiral staircase, the designer anticipated that the ground floor was at an elevation of 0.15m and the first floor was at 3.80m, which leaves a total length between finished floors 3.65m. Subtracting the floor slab (0.25m) and five steps (5m x 0.18m) leaves an anticipated clearance of 2.5m. However, the designer did not show the beam and false ceiling that was installed below the floor slab. This reduced the clearance by at least 0.50m, allowing a theoretical clearance of 2.00m or 6.56 feet of clearance.

During the site visit, a SIGIR inspector, who is approximately 6'5" tall, had to duck from stairs 3 through 6 in order to avoid the obstruction (Site Photos 1 and 2). It appears this problem most likely occurred as a result of a combination of designer oversight and small changes in construction.

SIGIR determined that this error is a hazard to people using the stairs and should be addressed⁵.

⁵ Originally, SIGIR intended to make a recommendation to correct this design error for all future courthouse projects; however, during the exit conference with GRD on this project, GRD representatives stated that all courthouse facilities have either already been constructed or were under construction. Therefore, there was no need for this recommendation. GRD representatives stated that they will investigate the possibility of posting warning signs on the staircase regarding this issue.

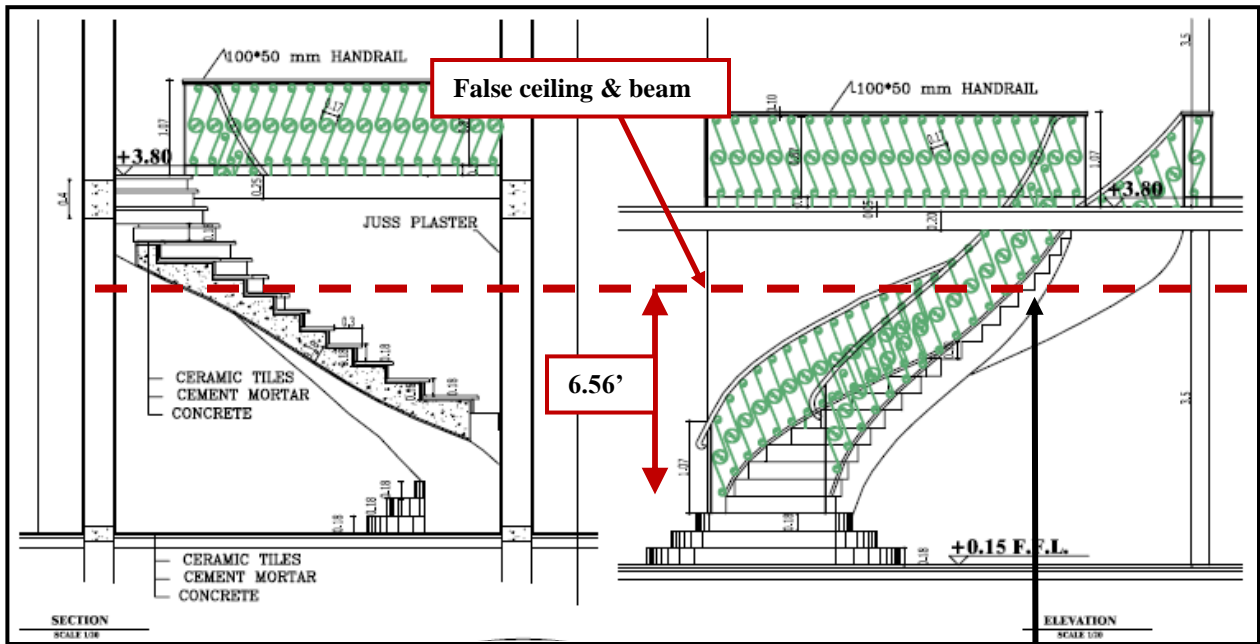


Figure 4. Spiral staircase architectural plan (Courtesy of GRS)



Site Photos 1 and 2. Spiral staircase and SIGIR Inspector ducking to avoid the false ceiling

The SOW required the contractor's design and construction to comply with the technical requirements of the contract. The contractor must provide design and construction work using the best blend of cost, construction efficiency, system durability, ease of maintenance, and environmental compatibility. The contractor was encouraged to propose alternate designs or products (equipment and material) that are more commonly used in the region, that will be equally or more cost effective, or allow for more timely completion and furnish the same system durability, ease of maintenance, and environmental compatibility.

The SOW identified the following codes and regulations governing the design and construction of the project (to the extent practical): International Building Code, International Electrical Code, National Fire Protection Association, Iraqi National Building Code and Building Regulations Local and Municipal Codes and Regulations, Americans with Disabilities Act Accessibility guidelines, International Plumbing Code, American Society of Heating, Refrigeration and Air-Conditioning Engineers, American Society of Mechanical Engineers, American Society for Testing and Materials, and American Welding Society.

The SOW required all concrete be in accordance with the provisions of American Concrete Institute 318. All structural concrete must be machine batched and have a cylinder compressive strength of 28 megapascals⁶ minimum at 28 days. Concrete for cradles and encasement must have compressive strength of 17 megapascals minimum at 28 days.

The SOW required that the contractor provide catalog cuts, diagrams, operating charts or curves, test reports, test cylinders, samples, operations and maintenance (O&M) manuals (including parts list), certifications, and warranties.

Site Progress During Construction

Throughout the construction project, the contractor provided a weekly construction log, which documented quality control, including photographs and work activities performed. In addition, the GRS Basrah Resident Office documented construction progress via quality assurance reports and photographs taken during site visits. SIGIR reviewed and subsequently relied on selected photographs to document examples of construction performance before the project was turned over to the Iraqi MOJ on 25 September 2008.

Site Photos 3-6 document various construction work activities at the courthouse and witness protection facility, including electrical wiring, concrete walkway tile installation, stone covering process for the courthouse dome, and installation of ballistic glass for the courthouse windows.

⁶ Megapascals refer to the amount of pressure an area can withstand.



**Site Photos 3 and 4. Installation of electrical wiring and mosaic tile, respectively
(Courtesy of GRS)**



**Site Photo 5. Stone covering process for the courthouse dome
(Courtesy of GRS)**

**Site Photo 6. Installation of ballistic glass for windows
(Courtesy of GRS)**

Condition of Facilities at Acceptance and Turnover

According to GRS documentation, authorized GRS Basrah Resident Office personnel conducted a final inspection on 25 September 2008. The inspection resulted in an eight-page punch list with each previously identified deficiency marked as “done.” However, the GRS Basrah Resident Office did not write a final inspection report or take any photographs to document the condition of the project when accepted from the contractor. According to project file documentation, GRS closeout documentation concluded the following:

“All work required by this contract has been accomplished in a satisfactory manner and is accepted without any noted deficiencies...The Contractor...has completed all assigned work. All parties acknowledge that the work performed under the contractor meets the standards set forth in the contract scope of work.”

The GRS Basrah Resident Office Construction Representative signed this document certifying all work was completed and met the standards of the contract’s SOW on 25 September 2008.

GRS Closeout Process Checklist

In order to establish a consistent transfer of projects to the Iraqi ministries, the GRS established a turnover checklist consisting of multiple documents, which are signed by the authorized GRS personnel, the contractor, and the Iraqi ministry accepting the project. The checklist consists of the following documents:

- memorandum for record signed by all three parties certifying the work has been inspected and is accepted in accordance with contract requirements
- receipt of all required documentation (i.e. O&M manuals)
- release of claims for the contractor
- contractor performance evaluation

On 25 September 2008, the GRS Basrah Resident Office officially turned over the courthouse project to the MOJ. The contractor, a representative from the GRS Basrah Resident Office, and Chief Judge of the Iraqi Higher Justice Council signed a Memorandum for Record stating the following:

“This document certifies that all work has been inspected, and is accepted as being in accordance with the contract requirements. Construction at this facility is complete and no other work is to be performed as part of this contract unless noted below.”

The turnover document also noted that the contractor had turned over and the MOJ had received the following:

- operation and maintenance manuals
- as-built drawings
- testing/commissioning
- spare parts

GRS documentation states the warranty period for this project expires on 25 September 2009.

Site Assessment

On 6 January 2009, SIGIR performed an on-site assessment of the Basrah Courthouse project. The GRS Basrah Resident Office project engineer and local national engineer accompanied SIGIR during the site visit. Due to security concerns, the time allotted for the site visit was approximately 90 minutes. In addition, access to the roof was limited. Consequently, SIGIR performed an expedited assessment of the areas available; therefore a complete review of all work completed was not possible.

Courthouse Facility

The GFD called for a two-story courthouse facility with a dome and an atrium in the center. Inside the courthouse building were four large courtrooms, two small courtrooms, and numerous rooms for judges' offices, detainment (holding) cells (separate cells for males and females), administrative rooms, and bathrooms, along with a café shop (Figure 5).

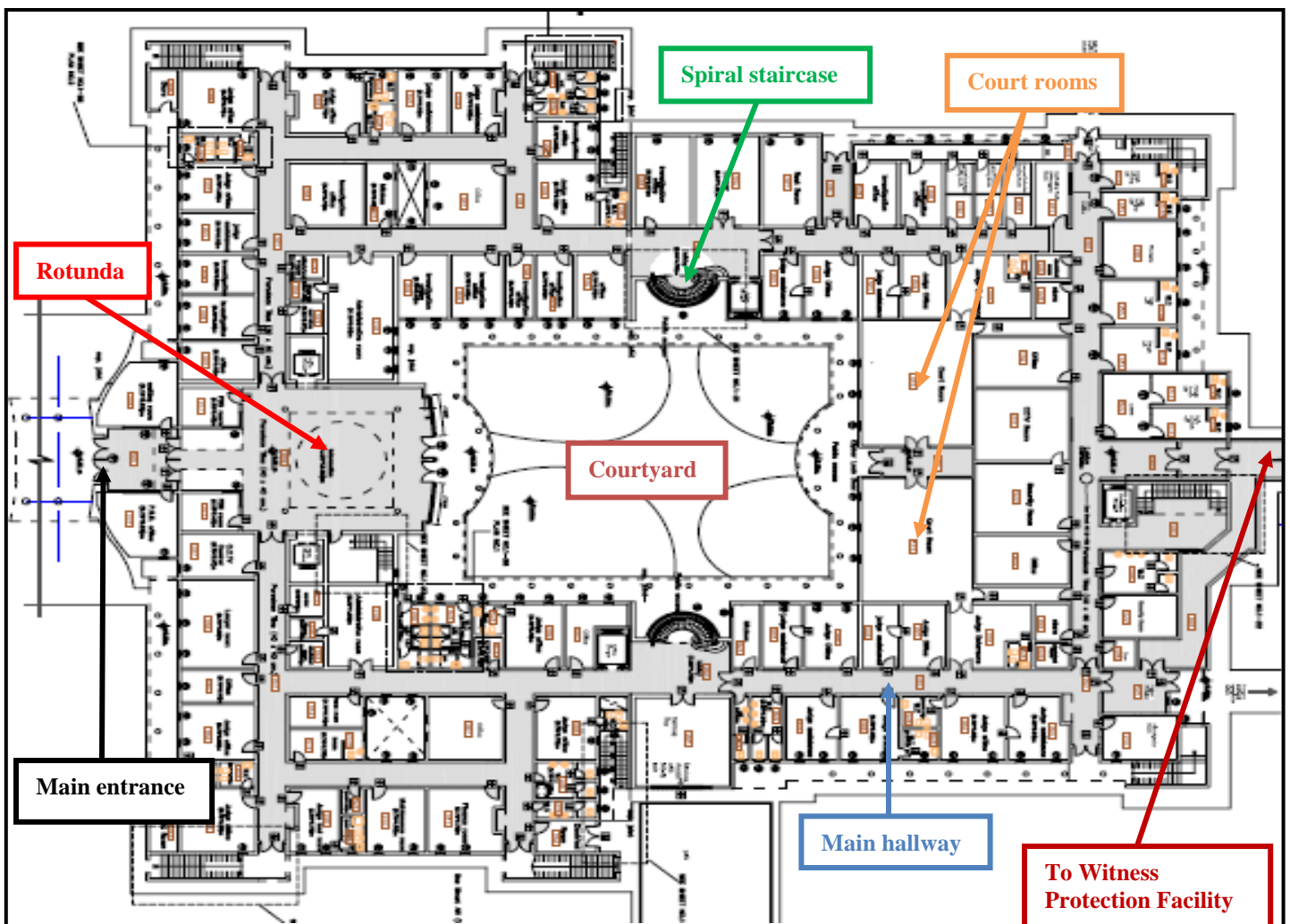


Figure 5. Main courthouse building ground floor plan (Courtesy of GRS)

Due to time limitations, SIGIR could not inspect each individual room within the facility; instead, SIGIR inspected a representative sample of at least one of each type of room, including the following:

- large courtrooms
- small courtrooms
- judges' offices
- holding cells
- hallways
- stairways
- bathrooms
- the café
- the garden
- balconies

According to project file documentation, each floor of the courthouse building is 5,100 square meters (m²) (10,200m² total) and the witness protection building is 1,200m².

Courthouse building exterior

The courthouse building's exterior consists of 7m tall pillars, unique elongated ballistic windows, and a decorative stone façade (Site Photo 7). The contractor improved the more basic architectural drawings provided in the GFDs by adding attractive patterns to the stone façade. These stone patterns, along with the four larger diameter pillars and reflective glass, accentuate the main entrance to the building. According to courthouse personnel, the addition of the traditional front courthouse steps ensure visitors they are entering a building of significance.



Site Photo 7. View of entrance to the courthouse building

Courtrooms

The courthouse consists of four large courtrooms and three small courtrooms. The seven courtrooms are rectangular rooms with separate entrances for judges and the defendants, attorneys, and the public. Each large courtroom contained 16 light fixtures (four rows of four light fixtures⁷); while each small courtroom contained six light fixtures (two rows of three light fixtures).

During the site visit, SIGIR inspected several large and small courtrooms. At the time of the site visit, Government of Iraq (GOI)-funded furniture was being installed inside the courtrooms (Site Photos 8 and 9). There appeared to be an adequate amount of lighting for both the large and small courtrooms. The courtrooms are of sufficient size to comfortably seat the judge, defendant, witnesses, and public. All observed work in the courtrooms appeared adequate and met the standards of the GFD. SIGIR did not find any noticeable defects associated with the quality of workmanship.



Site Photos 8 and 9. GOI-provided furniture for the courthouse courtrooms

Offices for Judges, Lawyers, and Administrative Staff

The courthouse facility provides significant office space for the presiding judges, judges' assistants, defendants' lawyers, and administrative staff. The office sizes vary depending on the office – the largest rooms are for administrative staff (meant for several people to occupy) with smaller offices for the judges and lawyers. Depending on the size of the office, there are 4 to 14 light fixtures and multiple electrical outlets. The offices are connected by a main hallway that traverses the entire building. Elevators and spiral staircases allow access from the ground floor to the first floor.

During the site visit, SIGIR inspected several offices to be used by judges, lawyers, and administrative staff. At the time of the site visit, the GOI-funded furniture was being installed (Site Photo 10). There appeared to be an adequate amount of lighting and

⁷ The light fixtures are recessed grid fluorescent lighting fixtures. For simplicity, throughout the report they will be referred to as lighting fixtures.

electrical outlets in the offices. All observed work in the offices appeared adequate and met the standards of the GFD. SIGIR did not find any noticeable defects associated with the quality of workmanship.



Site Photo 10. Size of a typical judge's office (with furniture from the GOI)

Holding Cells

The courthouse building contains separate male and female day holding cells for defendants awaiting trial. These cells were designed to hold multiple defendants. Each holding cell included a restroom with a half wall to provide some privacy while using the restroom without completely obstructing the guard's view of the defendants inside the cell (Site Photo 11). However, the contractor constructed each restroom with a window. SIGIR considered this a poor design and potentially dangerous.

SIGIR found the bathroom fixtures to be poor-quality products, which will require continuous maintenance and replacement to sustain operations. The cell door is steel barred and locked with a heavy duty padlock.

The GOI-provided two wooden benches for the defendants to sit on while awaiting trial.



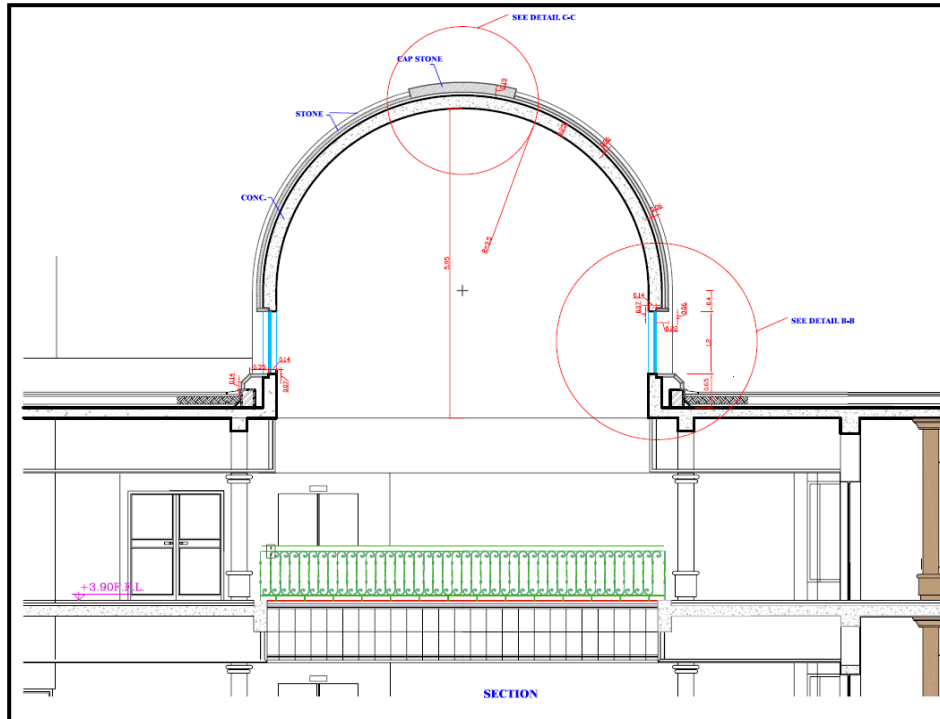
Privacy half wall for bathroom – bathroom located around the corner

Window

Site Photo 11. Interior of holding cell (including privacy half wall for bathroom and window)

Rotunda/Dome

The centerpiece of the courthouse facility design was the rotunda near the entrance with a decorative dome. The design required the dome to be constructed of concrete with a stone covering (Figure 6). According to the floor plans the rotunda is designated as an information area.



**Figure 6. Design drawing for the courthouse dome
(Courtesy of GRS)**

The dome is hand painted and includes windows for interior lighting (Site Photos 12 and 13). The dome and the view of the interior courtyard provide a dramatic first impression of the building. All observed exterior and interior work for both the rotunda and dome appeared adequate without any noticeable defects. The quality of workmanship, specifically the hand painted dome, was very good.



Site Photos 12 and 13. Exterior and interior views of the courthouse dome

Staircases

In the Current Project Design and Specifications section of this report, SIGIR identified a design error associated with the spiral staircases. However, SIGIR found the construction quality of the traditional and spiral staircases to be adequate.

Witness Protection Facility

The witness protection facility is a single-story structure and considerably smaller than the courthouse. The facility includes single hotel-style rooms, holding cells, VIP room, laundry room, cafeteria, interview rooms, and an office for the U.S. advisor.

The facility lacks the more decorative tile and the more architecturally pleasing features of the courthouse; however, the construction is sturdy and the interior is more durable. The type of construction is similar to the courthouse, except that concrete blocks were used to construct the walls. The walls also have the typical mortar/plaster/paint finish. The facility is connected to the courthouse by a secure hallway.

Single Hotel-Style Rooms

The facility has two single hotel-style rooms, which each consisting of a living room, bedroom, bathroom, and kitchen. These rooms are very spacious and will provide more than a sufficient amount of living space for its occupants (Site Photo 14). All observed work in the witness protection facility appeared adequate and met the standards of the GFD. SIGIR did not find any noticeable defects associated with the quality of workmanship.



Site Photo 14. View of the interior of a single hotel-style room

Laundry Room

The laundry room is for witnesses required to spend the night (or several nights) during the course of a trial. The washers and dryers were not part of this contract; consequently, the procurement, delivery, and installation of the washers and dryers are the responsibility of the GOI.

During the site visit, SIGIR inspected the laundry room. According to the contractor's as-built drawings, the laundry room will have two washers and two dryers side by side along one wall. At the time of the site visit, no washers or dryers had been delivered or installed; therefore, SIGIR could not validate the water-supply or electrical outlet connections. However, SIGIR identified only one cold water line leading into the laundry facility (Site Photo 15), which the as-built drawing confirmed as the water source (Figure 7). Since two washers were designed to be in this room, two water lines are needed (one line leading directly into each washing machine). In addition, the constructed water line is not on the correct wall; consequently, an extension line will have to be run to one of the washers.

Further, the as-built drawings are incorrect. For example, the as-built drawing shows the water line directly connected to one of the two dryers (Figure 8). Also, the sewer system as-built drawing indicates a grating drain system for the washers; while SIGIR noticed what appeared to be four individual drains for the washers and one main drain for the room.

Finally, SIGIR noticed that there was no vent system for the dryers to remove the hot air from the room. Without a dryer-vent system, this room will become extremely hot, especially during the summer months. A split-unit air conditioner was provided under this contract. Because of the lack of a dryer-vent system, this air conditioner will have to operate continuously.

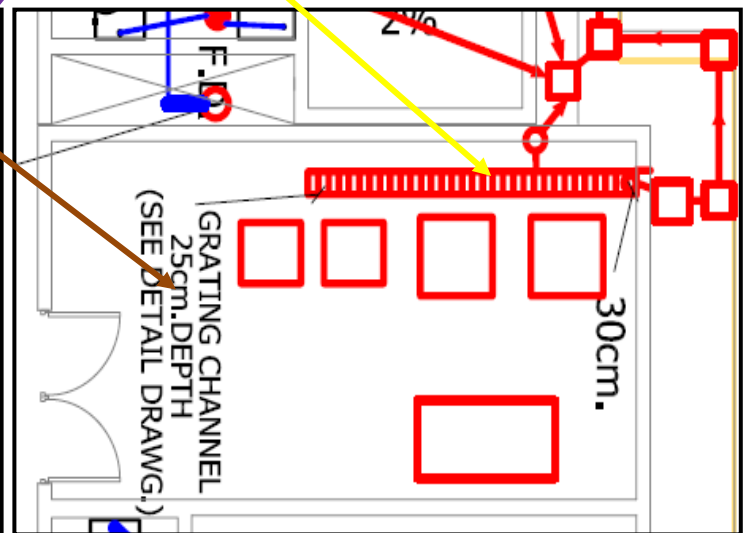
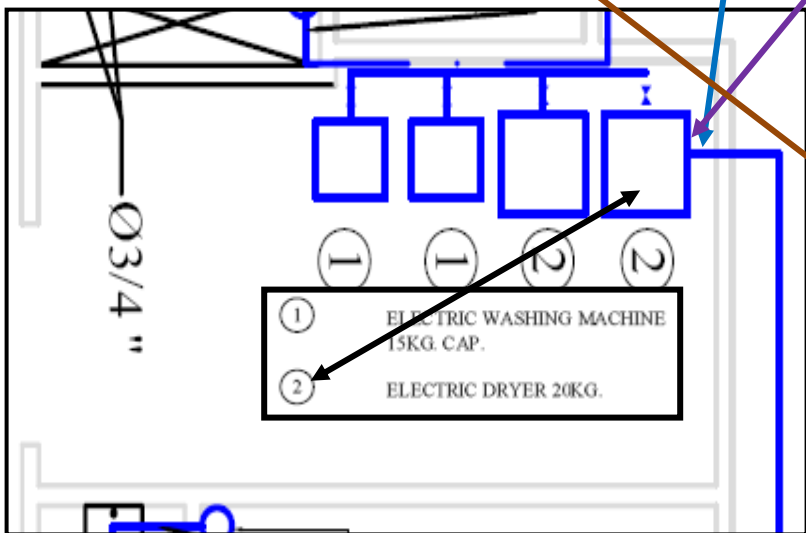
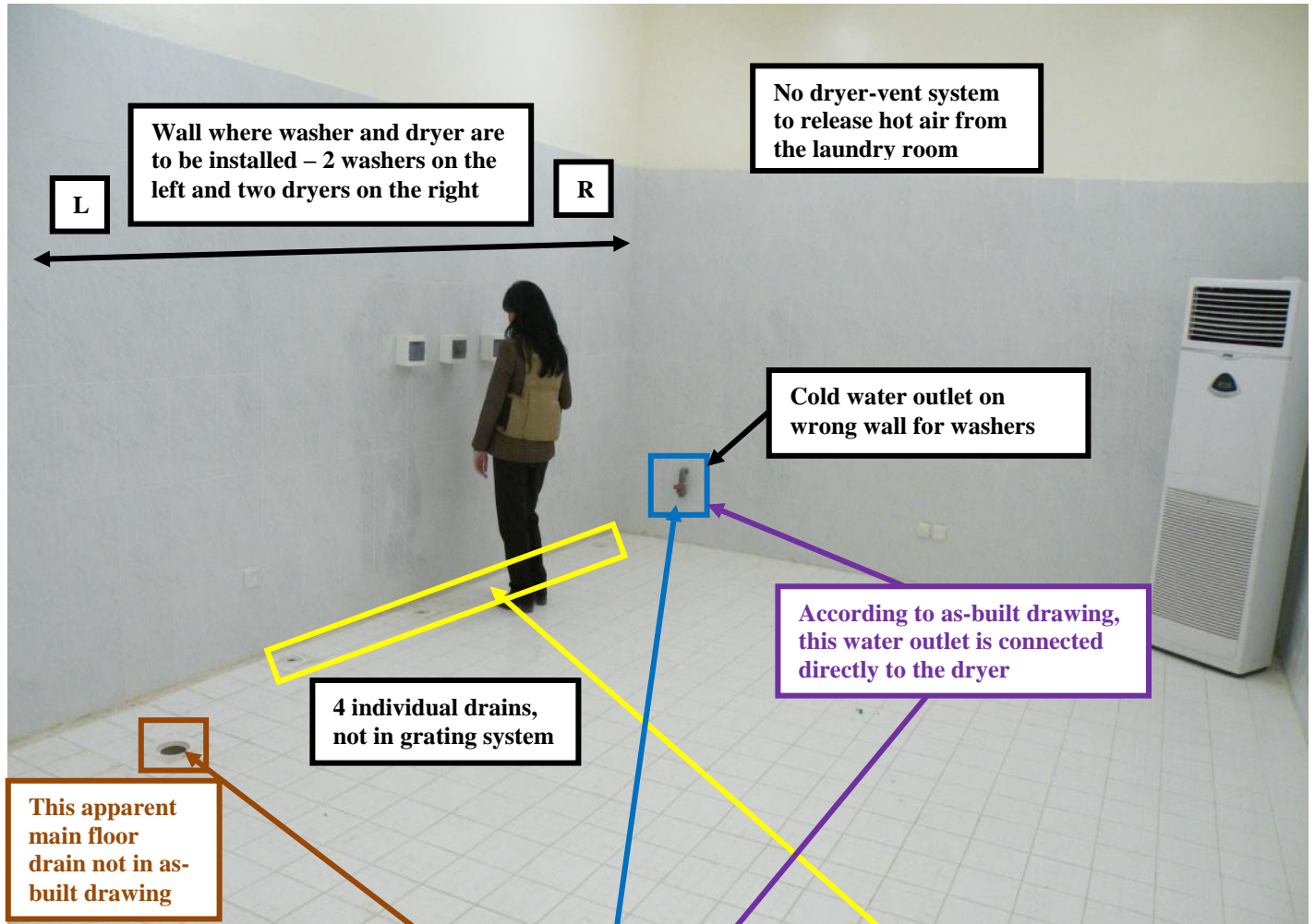


Figure 7. As-built drawing for water supply to laundry room Figure 8. As-built drawing for sewer system to/from laundry room (Courtesy of GRS)

Holding Cells

Separate male and female individual holding cells were constructed for defendants awaiting trial. Each holding cell included a restroom with a half wall to provide some privacy while using the restroom without completely obstructing the guard's view of the defendant inside the cell. SIGIR found the bathroom fixtures to be poor quality products, which will require regular maintenance and replacement to sustain operations. Each cell had a steel door and heavy duty locking mechanisms. The locking slide bar overlapped the door frame, but a simple hole was drilled into the plaster to allow the bar to slide into the wall (Site Photos 16 and 17). Considering defendants accused of serious crimes against the State will be held in these cells, SIGIR concludes a more durable solution to this issue should have been considered.



Site Photos 16 and 17. Holding cell door and locking mechanism

HVAC and Electrical Systems

For the courthouse and annex buildings, SIGIR could not determine if the HVAC system was operational because the electrical system controlling the HVAC was not turned on. According to courthouse personnel, the HVAC system was not in use because the building was not yet fully occupied. However, SIGIR confirmed the lighting was working and the electrical panels appeared to be appropriately installed. Courthouse personnel stated that the national grid is providing the power source for the buildings with on-site generators available as a standby/backup power source.

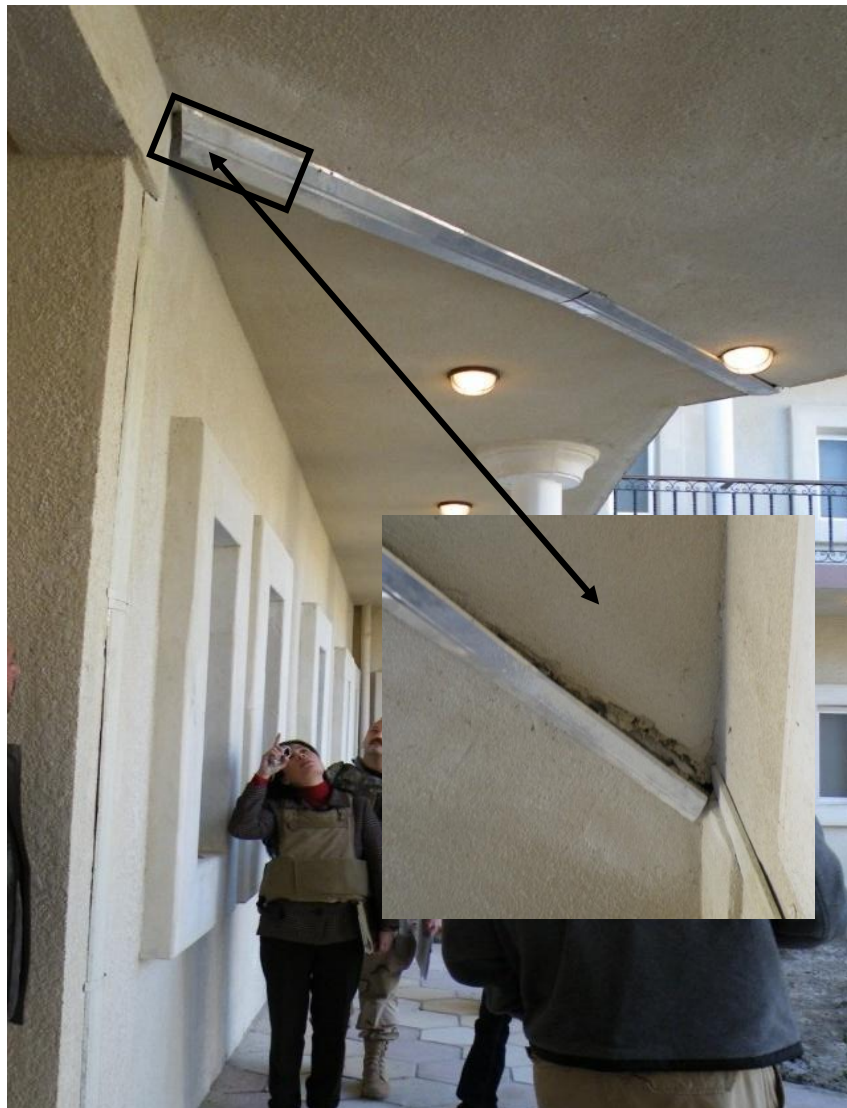
Overall, the HVAC and electrical systems appear to be constructed adequately and should provide a sustainable project for the GOI.

Construction Deficiencies

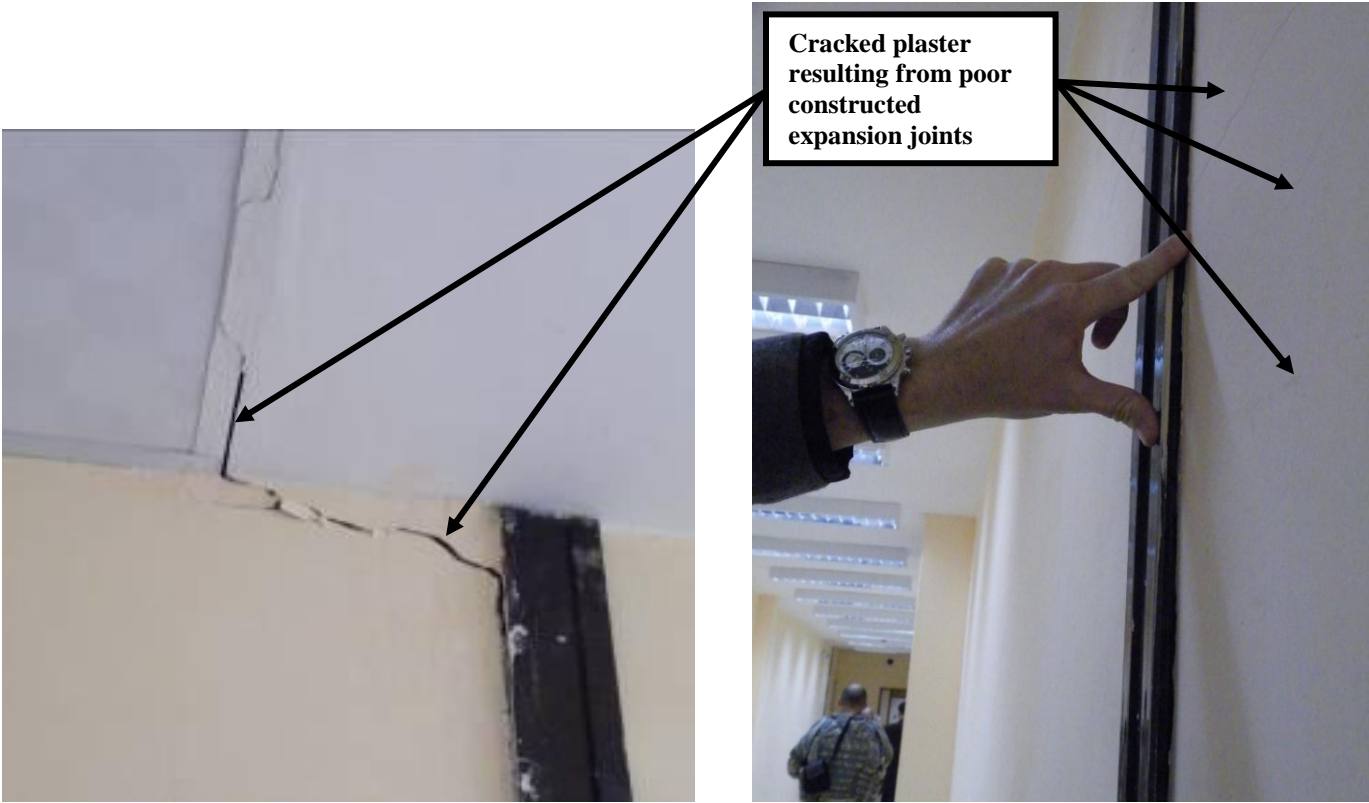
Construction deficiencies were primarily limited to poorly constructed expansion joints and instances of electrical wiring not in conduit.

SIGIR identified poorly constructed expansion joints in the courthouse and hallway connecting to the witness protection facility. The expansion joints displayed cracking and crumbling of the exterior plaster finish. The contractor used aluminum covers to hide some of unsightly cracking and crumbling plaster (Site Photos 18-20).

SIGIR identified instances of electrical wiring not in conduit in the courthouse (Site Photo 21).



Site Photo 18. SIGIR Inspector identifying an exterior expansion joint crack of the courthouse building (inset – enlargement of specific area)



Site Photos 19 and 20. Interior expansion cracks in the witness protection facility



Site Photo 21. Electrical wiring not in conduit

Mechanical and Electrical Buildings

The facility included several accessory buildings used for mechanical and electrical equipment. Due to time limitations, SIGIR could only briefly inspect the on-site

generators and the electrical building. The electrical building included a transformer, control panels, and transfer switches. According to courthouse personnel, the automatic transfer switch was working.

Security

Since this courthouse will be used to hear serious crimes, additional security features were designed to protect the court witnesses and staff in the courthouse and annex/witness protection buildings. For example, the entrance to the courthouse includes metal detectors and scanners (Site Photos 22 and 23). In addition, a CCTV system, consisting of exterior cameras located throughout the building, is monitored by security officials at a centrally located kiosk in the annex building (Site Photo 24).



Site Photos 22 and 23. Courthouse building metal detector and scanner



Site Photo 24. Central kiosk with CCTV monitor

Fountain

The site work included a decorative fountain surrounding a flag pole, which the contractor donated (Site Photo 25). The attractive fountain is located between the public parking area and the main courthouse entrance. Visitors can enjoy the relatively long walk between the parking lot and the courthouse by viewing the fountain or stopping at the kiosks located nearby.

During the site visit, courthouse personnel turned on the fountain, which SIGIR found to be working properly.



Site Photo 25. View of decorative fountain

Iraqis Taking Ownership of the Basrah Courthouse Project

Courthouse Furniture

From the origin of this project, courthouse furniture, specifically desks and chairs were to be the responsibility of the MOJ. The ultimate occupant of the facility, the Higher Judgment Council, confirmed its responsibility for the furniture in an official letter to the GRS Basrah Resident Office. The letter was to “inform” the GRS Basrah Resident Office that the council was responsible not only for providing the “furniture and equipments” but also operating and maintaining it.

Even though the MOJ Higher Judgment Council officially accepted the courthouse and annex facilities on 25 September 2008, prior to SIGIR’s site visit the courthouse was unoccupied due to the lack of furniture. However, during SIGIR’s site visit, GOI-funded furniture was delivered and in the process of being assembled and arranged within the individual courthouse rooms (Site Photos 26 and 27). The furniture consisted of judges’ benches, chairs, waiting benches, leather sofas, and coat racks.

While not part of the assessment, SIGIR inspected the furniture already assembled and found it to be high quality. This furniture will provide the courthouse judges, judicial and administration staffs, witnesses, and prisoners with comfortable working and living accommodations.



Site Photos 26 and 27. GOI-provided furniture dropped off outside and being installed inside the courthouse building

Kiosks as an income source to fund routine maintenance

The courthouse facility design called for the construction of six kiosks to support the courthouse’s operations (Site Photo 28). The kiosks were generically designed as single-story, self enclosed rooms. Each kiosk is divided equally into two rooms, approximately 5.5m long by 2.5m wide, with each room having its own entrance. The interior of the kiosks consists of a window air-conditioning unit, wall fan, and ceiling lights.



Site Photo 28. Exterior and interior views of the future concession stand kiosks outside the courthouse building

According to GRS personnel, the kiosks will be used by the MOJ for a variety of purposes. For instance, some of the kiosks will serve as offices for clerks who will provide (for a fee) photocopies of official court transcripts and documents. In addition, the MOJ will rent the remaining kiosks as small shops or concession stands to supply food and drinks for court participants, visitors, and staff. According to courthouse personnel, the income generated will be used to fund routine maintenance for the courthouse and annex buildings.

U.S.-Funded projects increasing the value of homes in the vicinity of the courthouse

According to GRS and courthouse personnel, the completion of this project, as well as improved security throughout the area, has more than tripled the value of homes surrounding the courthouse. Courthouse personnel stated that more homes are scheduled to be built surrounding the courthouse in the near future.

Conclusions

On 25 September 2008 the Gulf Region South (GRS),⁸ Basrah Resident Office, inspected and accepted the Basrah Courthouse and Witness Protection Facility project from the contractor. The inspection resulted in an eight-page punch list; each previously identified deficiency was marked as “done.” However, the GRS Basrah Resident Office did not write a final inspection report or take any photographs to document the condition of the project when accepted from the contractor. According to project file documentation, GRS closeout documentation concluded the following:

“All work required by this contract has been accomplished in a satisfactory manner and is accepted without any noted deficiencies...The Contractor...has completed all assigned work. All parties acknowledge that the work performed under the contractor meets the standards set forth in the contract scope of work.”

The GRS Basrah Resident Office construction representative signed this document, certifying that all work was completed and met the standards of the contract’s Statement of Work.

On 25 September 2008, the GRS Basrah Resident Office officially turned over the courthouse project to the Iraqi Ministry of Justice. The contractor, a representative from the GRS Basrah Resident Office, and Chief Judge of the Iraqi Higher Justice Council signed a Memorandum for Record that stated the following:

“This document certifies that all work has been inspected, and is accepted as being in accordance with the contract requirements. Construction at this facility is complete and no other work is to be performed as part of this contract unless noted below.”

On 6 January 2009, SIGIR conducted an on-site assessment of the project. When SIGIR visited, the courthouse was not occupied and was not hearing cases. The U.S. government was responsible for the construction of the courthouse and witness protection facility; however, the Government of Iraq (GOI) was responsible for providing the furniture and equipment needed to operate the facility, such as desks, chairs, and judges’ benches. According to GRS representatives, the GOI was slow to purchase and deliver the furniture and equipment.

Before the site visit, SIGIR reviewed the design submittals for this project. The U.S. government provided the contractor with a preliminary design (65%) modeled after the Al Karkh Courthouse Facility in Baghdad. The Statement of Work required the contractor to incorporate the necessary site-specific changes to the government-furnished drawings (GFD) and edit the drawings for the final design review submittal (95%) and the cleared-for-construction-design review submittal (100%). SIGIR requested these submittals, but GRS could not produce them. SIGIR does not know whether the contractor provided the submittals or whether GRS reviewed them prior to construction.

In addition, SIGIR determined that the GFD for the spiral staircase contained an error. The overhead clearance between the steps and the ceiling is not sufficient. Based on

⁸ GRS is one of three districts under the U.S. Army Corps of Engineers (USACE) Gulf Region Division (GRD). GRD and its three districts provide construction management services and assist the capacity of the Government of Iraq to maintain its own construction, operation, and maintenance program of essential services and national infrastructure.

SIGIR's review of the architectural drawings, the GFDs apparently did not take into account the loss in headroom that resulted from the installation of the false ceiling. This problem was most likely caused by a combination of designer oversight and small changes in construction. SIGIR determined that this error is a hazard to people using the stairs and should be addressed.⁹

During the site visit, SIGIR confirmed that the furniture and equipment furnished by the GOI had recently arrived on site and was being installed throughout the courthouse and witness protection facility.

Due to security concerns at the site, SIGIR performed only an expedited 90-minute assessment. SIGIR could not inspect each room in the courthouse and witness protection facility; instead, SIGIR inspected a representative sample of at least one of each type of room, including:

- large court rooms
- small court rooms
- judge's offices
- holding cells
- hallways
- stairways
- bathrooms
- the café
- the garden
- balconies
- single hotel-style rooms
- the laundry room

SIGIR's site visit identified minor construction deficiencies, such as electrical wiring not in conduit and poorly constructed expansion joints in the courthouse building and hallway connecting to the witness protection facility. The exterior plaster finish of the expansion joints displayed cracking and crumbling.

In the laundry room, the intent was to have two washers and two dryers side by side along one wall. At the time of the site visit, no washers or dryers had been delivered or installed; therefore, SIGIR could not validate the water-supply or electrical outlet connections. However, SIGIR identified only one cold water line leading into the laundry facility. Since two washers were designed to be in this room, two water lines are needed — with one line leading directly into each washing machine. In addition, the constructed water line is not on the correct wall; consequently, an extension line will have to be run to one of the washers. Further, SIGIR identified errors with the as-built drawings. For example, the as-built drawing shows the water line directly connected to one of the two dryers. Also, the sewer system as-built drawing shows a grating drain system for the washers; nevertheless, SIGIR noticed what appeared to be four individual drains for the washers and one main drain for the room. Finally, SIGIR noticed that there was no vent system for the dryers to remove the hot air from the room. Without a dryer-vent system, this room will become extremely hot and humid, especially during the summer months. A split-unit air conditioner was provided under this contract; however,

⁹ Originally, SIGIR intended to make a recommendation to correct this design error for all future courthouse projects; however, during the exit conference with GRD for this project, GRD representatives stated that all courthouse facilities have either already been constructed or were too far along in construction to make such a change in design. GRD representatives stated that they will investigate the possibility of posting warning signs on the staircase regarding this issue.

due to the lack of a dryer-vent system, this air conditioner will have to operate continuously.

Aside from these minor construction issues, SIGIR concluded that the construction of the courthouse and witness protection facility was adequate. At the time of the site visit, the GOI was installing furniture throughout the facility. The process of installing the furniture contributed to some cleanliness issues, but most of the buildings were clean and sanitary. SIGIR determined that this project was constructed adequately for the GOI to sustain the buildings for their intended use.

The recent drastic decline in worldwide crude oil prices has significantly affected the GOI's budget for operating and maintaining project sites constructed and transferred by the U.S. government. During the site visit, SIGIR learned the plan the GOI will employ to sustain this facility. The courthouse facility design specifically called for the construction of outside kiosks, which according to GRS personnel, the MOJ will use as offices for clerks providing (for a fee) photocopies of official court transcripts and documents and will also rent as small shops or concession stands to supply food and drinks to court participants, visitors, and staff. The income generated will be used to fund routine maintenance for the courthouse and annex buildings.

Recommendations

SIGIR recommends that the Gulf Region Division of the U.S. Army Corps of Engineers take these actions:

1. Determine the extent of damage to the walls caused by poorly constructed expansion joints and take corrective actions as appropriate.
2. Place all exposed electrical wiring into conduit.
3. Determine the appropriate manner in which to provide two water-supply hookups to the washers and exhaust vents for the two dryers.

Management Comments

SIGIR received comments on the draft of this report from the Commanding General, GRD, concurring with all three recommendations. Specifically, the GRS Basrah Area Office will do the following:

- Identify all poorly constructed expansion joints and damage to the walls and devise a solution with the contractor.
- Direct the contractor to enclose all exposed wiring inside an appropriate conduit.
- Determine the needs of the Ministry of Justice in terms of laundry facilities and act accordingly to ensure the realization of those functions and features.

Evaluation of Management Comments

SIGIR concurs with the action plan outlined by GRD to resolve the issues of poorly constructed expansion joints, exposed electrical wiring, and laundry room without the required number of water-supply hookups for the washers and exhaust vents for the dryers.

Appendix A. Scope and Methodology

SIGIR performed this project assessment from December 2008 through March 2009 in accordance with the Quality Standards for Inspections issued by the Council of the Inspectors General on Integrity and Efficiency. The assessment team comprised two engineers/inspectors and two auditors/inspectors.

In performing this Project Assessment SIGIR:

- Reviewed contract documentation to include items such as: Contract W917BK-06-C-0037, contract modifications, Bill of Quantities, Statement of Work, and project closeout documentation;
- Reviewed the available design packages (drawings and specifications), quality control reports, quality assurance reports, and construction progress photographs;
- Interviewed the U.S. Army Corps of Engineers Gulf Region South personnel; and
- Conducted an on-site assessment on 6 January 2009 and documented results at the Basrah Courthouse and Witness Protection Facility project, in Basrah, Iraq.

Scope Limitation. Due to security concerns, SIGIR performed an expedited assessment. The time allotted for the Basrah Courthouse and Witness Protection Facility site visit was approximately 90 minutes; therefore, a complete review of all work completed was not possible.

Appendix B. Acronyms

| | |
|----------------|---|
| CCTV | Closed-Circuit Television |
| GFD | Government Furnished Drawings |
| GOI | Government of Iraq |
| GRD | Gulf Region Division |
| GRS | Gulf Region South |
| HVAC | Heating, Ventilation, and Air Conditioning |
| m | Meter |
| m ² | Square Meter |
| MOJ | Ministry of Justice |
| O&M | Operation and Maintenance |
| SIGIR | Special Inspector General for Iraq Reconstruction |
| SOW | Statement of Work |
| USACE | United States Army Corps of Engineers |

Appendix C. GRD Comments on Draft Report



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
GULF REGION DIVISION
BAGHDAD, IRAQ
APO AE 09348

CEGRD-CG

12 April 2009

MEMORANDUM FOR Special Inspector General for Iraq Reconstruction, US Embassy Annex II, Room 1013, APO AE 09316

SUBJECT: SIGIR Draft Project Assessment Report – Basrah Courthouse Construction and Basrah Courthouse Witness Protection Facility Basrah, Iraq (PA-08-159 & 169)

1. The Gulf Region Division reviewed the subject draft report and concurs with the recommendations. GRD provides additional comments for clarity and accuracy in the enclosure.
2. Thank you for the opportunity to review the draft report and provide our written comments for incorporation in the final report.
3. If you have any questions, please contact Mr. Robert Donner at (540) 665-5022 or via email Robert.L.Donner@usace.army.mil.

Encl
as

Michael R. Eyre
MICHAEL R. EYRE
Major General, USA
Commanding

Appendix C. GRD Comments on Draft Report

**GULF REGION DIVISION
COMMAND REPLY
to
SIGIR Draft Project Assessment Report –
Basrah Courthouse Construction and Basrah Courthouse Witness Protection Facility
Basrah, Iraq
SIGIR Report Number PA-08-159 169
(SIGIR Project PA-08-159 & 169)**

Recommendations:

SIGIR recommends that the Gulf Region Division of the U.S. Army Corps of Engineers take these actions:

1. Determine the extent of damage to the walls caused by poorly constructed expansion joints and take corrective actions as appropriate.

Concur. As part of upcoming warranty inspection, the Basrah Area Office (BAO) will identify all poorly constructed expansion joints as well as any damage to walls caused by these joints. The BAO will confer with the contractor to devise and execute a solution.

2. Place all exposed electrical wiring into conduit.

Concur. The BAO will direct the contractor to enclose all exposed wiring, identified during the warranty inspection, inside an appropriate conduit.

3. Determine the appropriate manner in which to provide two water supply hookups to the washers and exhaust vents for the two dryers.

Concur. The Ministry of Justice is currently using the room labeled “Laundry” as a kitchen and judges use the room labeled “Cafeteria” as a court room. The BAO will endeavor to ascertain what the Ministry of Justice's needs are in terms of laundry facilities and act accordingly to ensure the realization of those functions and features.

Enclosure

Appendix C. GRD Comments on Draft Report

**GULF REGION DIVISION
COMMAND REPLY
to
SIGIR Draft Project Assessment Report –
Basrah Courthouse Construction and Basrah Courthouse Witness Protection Facility
Basrah, Iraq
SIGIR Report Number PA-08-159 169
(SIGIR Project PA-08-159 & 169)**

GRD provides the following comments for clarity and accuracy.

1. **Draft Report, page 7, third paragraph.** According to the GFD for the spiral staircase, the designer anticipated that the ground floor was at an elevation of 0.15m and the first floor was at 3.80m, which leaves a total length between finished floors 3.65m. Subtracting the floor slab (0.25m) and five steps (5m x 0.18m) leaves an anticipated clearance of 2.5m. However, the designer did not show the beam and false ceiling that was installed below the floor slab. This reduced the clearance by at least 0.50m, allowing a theoretical clearance of 2.00m or 6.56 feet of clearance.

Command Comment. The contractor constructed this building in accordance with the plans and the customer accepted it. Thus, there is no mechanism for GRS to address this issue. GRD representatives stated that they will investigate the possibility of posting warning signs on the staircase regarding this issue.

2. **Draft Report, page i, fifth paragraph, third sentence and page 28, first paragraph, third sentence.** However, the GRS Basrah Resident Office did not write a final inspection report or take any photographs to document the condition of the project when accepted from the contractor.

Command Comment. GRD requests SIGIR remove this statement from the report. The punch list includes annotations showing the items were corrected and is considered the final inspection report. In addition, SIGIR's draft report also states that the facility was inspected and accepted by the Ministry of Justice. The contractor, GRS Basrah Resident Office, and Chief Judge of the Iraqi Higher Justice Council signed a Memorandum for Record that stated all work has been inspected, and is accepted as being in accordance with the contract requirements.

Appendix D. Report Distribution

Department of State

Secretary of State

Senior Advisor to the Secretary and Coordinator for Iraq

Director of U.S. Foreign Assistance/Administrator, U.S. Agency for
International Development

Director, Office of Iraq Reconstruction

Assistant Secretary for Resource Management/Chief Financial Officer,
Bureau of Resource Management

U.S. Ambassador to Iraq

Director, Iraq Transition Assistance Office

Mission Director-Iraq, U.S. Agency for International Development

Inspector General, Department of State

Department of Defense

Secretary of Defense

Deputy Secretary of Defense

Under Secretary of Defense (Comptroller)/Chief Financial Officer

Deputy Chief Financial Officer

Deputy Comptroller (Program/Budget)

Deputy Assistant Secretary of Defense-Middle East, Office of Policy/International
Security Affairs

Inspector General, Department of Defense

Director, Defense Contract Audit Agency

Director, Defense Finance and Accounting Service

Director, Defense Contract Management Agency

Department of the Army

Assistant Secretary of the Army for Acquisition, Logistics, and Technology

Principal Deputy to the Assistant Secretary of the Army for Acquisition,
Logistics, and Technology

Deputy Assistant Secretary of the Army (Policy and Procurement)

Commanding General, Joint Contracting Command-Iraq/Afghanistan

Assistant Secretary of the Army for Financial Management and Comptroller

Chief of Engineers and Commander, U.S. Army Corps of Engineers

Commanding General, Gulf Region Division

Chief Financial Officer, U.S. Army Corps of Engineers

Auditor General of the Army

U.S. Central Command

Commanding General, Multi-National Force-Iraq

Commanding General, Multi-National Corps-Iraq

Commanding General, Multi-National Security Transition Command-Iraq

Commander, Joint Area Support Group-Central

Other Federal Government Organizations

Director, Office of Management and Budget
Comptroller General of the United States
Inspector General, Department of the Treasury
Inspector General, Department of Commerce
Inspector General, Department of Health and Human Services
Inspector General, U.S. Agency for International Development
President, Overseas Private Investment Corporation
President, U.S. Institute for Peace

Congressional Committees

U.S. Senate

Senate Committee on Appropriations
Senate Committee on Armed Services
Senate Committee on Foreign Relations
Senate Committee on Homeland Security and Governmental Affairs

U.S. House of Representatives

House Committee on Appropriations
House Committee on Armed Services
House Committee on Oversight and Government Reform
House Committee on Foreign Affairs

Appendix E. Project Assessment Team Members

The Office of the Assistant Inspector General for Inspections, Office of the Special Inspector General for Iraq Reconstruction, prepared this report. The principal staff members who contributed to the report were:

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